

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1271 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new paragraph and
2 insert: SECTION 1. IC 2-5-1.1-6.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6.5. (a) **As used in this**
4 **section, “agency” includes an agency, an authority, a board, a**
5 **bureau, a commission, a committee, a department, a division, an**
6 **institution, or other similar entity created or established by law.**
7 (b) The council shall, upon consultation with the governor’s office, develop
8 an annual report format taking into consideration, among other things, program
9 budgeting, with the final format to be determined by the council. The format may
10 be distributed to any agency. ~~(as defined in IC 2-5-21-1)~~. The agency shall
11 complete and return fifteen (15) copies to the legislative council before September
12 1 of each year for the preceding fiscal year.
13 ~~(b)~~ (c) The council shall distribute one (1) copy to the governor’s office, one
14 (1) copy to the budget agency, and three (3) copies to the state library.
15 ~~(c)~~ (d) The reports are a public record and are open to inspection.
16 SECTION 2. IC2-5-28 IS ADDED TO THE INDIANA CODE AS A **NEW**
17 **CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:**
18 **Chapter 28. Legislative Office of Accountability**
19 **Sec. 1. As used in this chapter, “audit” includes financial,**
20 **operational, and performance audits.**
21 **Sec. 2. As used in this chapter, “office” refers to the**
22 **legislative office of accountability established under this chapter.**
23 **Sec. 3. As used in this chapter, “state agency” means any**

1 board, commission, department, division, bureau, committee,
2 agency, office, instrumentality, or authority, by whatever name
3 designated, exercising any part of the executive, administrative,
4 judicial, or legislative power of the state.

5 Sec. 4. The legislative council shall establish and maintain a
6 nonpartisan legislative office of accountability to assist the
7 general assembly in the performance of its constitutional
8 responsibilities as a separate and independent branch of state
9 government.

10 Sec. 5. In maintaining the office, the legislative council shall
11 do the following:

12 (1) Establish the qualifications for and employ personnel as
13 are required to carry out the purposes of this chapter,
14 including a director responsible for the supervision of the
15 office.

16 (2) Adopt policies governing the personnel practices of all
17 employees of the office.

18 (3) Determine and direct the work plan of the office.

19 Sec. 6. The office, under the direction of the legislative
20 council, shall do the following:

21 (1) Conduct audits of state agencies, boards, commissions,
22 and bodies corporate and politic created by statute. The
23 audits must be conducted in accordance with generally
24 accepted governmental auditing standards.

25 (2) Examine the books and accounts of the treasurer of
26 state, auditor of state, and the state board of accounts as
27 they related to state revenues and expenditures. These
28 books and accounts may be examined monthly and may
29 include detailed checking of every transaction or test
30 checking.

31 (3) Periodically issue reports to the legislative council and
32 the governor concerning the results of its examinations
33 under this chapter. A report to the legislative council must
34 be in an electronic format under IC 5-14-6.

35 (4) Immediately report in writing to the legislative council,
36 the governor, and the attorney general whenever it appears
37 in the opinion of the director of the office that there may
38 have occurred:

39 (A) any violation of state law; or

40 (B) any instances of misfeasance, malfeasance, or
41 nonfeasance;

42 by an elected or appointed public office holder or employee.

43 (5) Immediately furnish to the attorney general all
44 information in possession of the office regarding any report
45 made under this section.

46 Sec. 7. (a) This section applies notwithstanding any law
47 concerning the confidentiality of a public record as defined under
48 IC 5-14-3.

(b) In the discharge of the duties imposed under this chapter, the office:

(1) may require state agencies to preserve and make available to the office their accounts, records, documents, vouchers, requisitions, payrolls, canceled checks, and other evidence of financial or other transactions, whether kept on paper or electronically;

(2) shall be granted entrance to any part of any public property, or any private property under lease to a state agency, without notice to the agency responsible for or occupying the property; and

(3) if the chairman of the legislative council gives written consent, has the power to issue a subpoena or subpoena duces tecum in aid of its functions under this chapter.

Sec. 8. In the discharge of the duties under this chapter, the office shall have access and the right to copy or otherwise secure all books, accounts, records, files, documents, and correspondence, confidential or otherwise, of any person or state agency subject to audit under this chapter. This section applies:

(1) whether or not the person or state agency has actual possession of the material sought by the office; and

(2) to paper and electronic copies.

Sec. 9. Any power, duty, right of access, or authority granted to the office under this chapter, other than the power of subpoena, may be delegated by the director of the office to the following:

(1) An employee of the office.

(2) A private accounting or other professional firm under contract with the office to conduct financial compliance or other audit work under this chapter.

Sec. 10. An employee or a contractor of the office, or any other person entitled to access or copy material under sections 8 and 9 of this chapter, is subject to the same:

(1) duty of confidentiality imposed by law on; and

(2) civil and criminal penalties imposed for violations of the duty of confidentiality as;

the person or state agency in possession of the material.

SECTION 3. IC 2-5-21 IS REPEALED [EFFECTIVE JULY 1, 2004].

Renumber all SECTIONS consecutively.

(Reference is to HB 1271 as printed January 30, 2004.)

Representative BOSMA